

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MATTHEW JOHNSON, et al.,)
Plaintiffs,)
vs.) Case No. 12-1038-SCW
DR. ALFONSO DAVID,)
Defendant.)

ORDER

THIS MATTER comes before the Court on Plaintiffs' Motion to Dismiss Without Prejudice; and the Court being fully advised in the premises,

IT IS ORDERED that Plaintiffs' Motion to Dismiss Without Prejudice be, and the same is, hereby granted, with the following conditions Pursuant to Federal Rule of Civil Procedure 41(a)(2):

1. Any re-filed action must be filed in the United States District Court for the Southern District of Illinois, under Case No. 12-1038;
2. Any re-filed action must be filed on or before May 2, 2015;
3. The deadlines set forth in the scheduling order dated 12/11/2013, Docket No. 50, shall govern any re-filed action, with adjustments for dates only;
4. The Parties shall be entitled to use the discovery conducted to date in any re-filed action, including expert discovery; and
5. If permission to withdraw Dr. Barbara Bellar as an expert witness is granted in any re-filed action, Plaintiff(s) shall pay to Defendant the costs and reasonable attorney's fees associated with any and all expert discovery work, including but not limited to preparing for and taking the deposition Dr. Barbara Bellar, in the amount of \$12,465 (the "expert fee"). Payment shall be made to Defendant before Plaintiff(s) in any re-filed action can identify a new expert witness. No matter how many Plaintiff(s) join any re-filed action, Plaintiff(s) as a group shall not be entitled to identify more than one (1) expert witness if Dr. Barbara Bellar is withdrawn. The expert fee shall be allocated on a pro rata basis among the Plaintiff(s) named in any re-filed action.

Dated: May 2, 2014

s//Stephen C. Williams
STEPHEN C. WILLIAMS
UNITED STATES MAGISTRATE JUDGE